

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

PAUL PHELPS

Defendant.

Case No. 18-cr-20311

Paul D. Borman

United States District Judge

**ORDER DENYING DEFENDANT’S MOTION FOR COMPASSIONATE
RELEASE WITHOUT PREJUDICE**

Defendant is presently serving a seven month sentence for violations of his supervised release. Defendant is presently incarcerated at FCI Milan.

Defendant has filed a Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c). (ECF No. 48.) The Government has filed a Response in Opposition (ECF No. 50), pointing out that Defendant has not fully exhausted his administrative rights within the Bureau of Prisons, nor has he requested the warden at FCI Milan to grant him compassionate release, and then waited for 30 days from the warden’s receipt of his request, as required by 18 U.S.C. § 3582(c), before filing a motion for compassionate release in federal district court.

Accordingly, this Court denies Defendant's Motion for Compassionate Release, without prejudice, as required by the United States Court of Appeals for the Sixth Circuit in *United States v. Alam*, 960 F.3d 831 (6th Cir. 2020).

SO ORDERED.

Dated: July 9, 2021

s/Paul D. Borman

Paul D. Borman
United States District Judge